

REMARKS

This Amendment is being filed in response to the Final Office Action mailed June 5, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-3 and 5-19 remain in this application, where claim 4 has been canceled without prejudice and claim 19 has been added. Claims 1 and 18 are independent.

In the Final Office Action, claims 1-18 are rejected under 35 U.S.C §103(a) over U.S. Patent No. 7,203,952 (Broadus) in view of U.S. Patent Application Publication No. 2001/0013126 (Lemmons). Further, claims 1-11 and 15-18 are rejected under 35 U.S.C §103(a) over Broadus in view of U.S. Patent Application Publication No. 2002/0199185 (Kaminski). Claims 12-14 are rejected under 35 U.S.C §103(a) over Broadus and Kaminski in view of Lemmons. It is respectfully submitted that claims 1-3 and 5-19 are patentable over Broadus, Lemmons and Kaminski for at least the following reasons.

Broadus is directed to a passive program completion status indicator for an electronic program guide. As correctly noted by

the Examiner on pages 3-4 and 10 of the Final Office Action, Broadus does not teach or suggest determining an ordered content item list by ordering the content items in response to content item duration indication of each content item, as recited in independent claims 1 and 18. Lemmons and Kaminski are cited in an attempt to remedy the deficiencies in Broadus.

Lemmons is directed to an interactive program guide systems. As clearly shown in FIG 7 and recited on page 8, paragraph [0082], Lemmons discloses sorting by:

"Telecast Time," "Alphabetize," and sort in "Channel" order, but it may also include sort by "Rating." (Emphasis added)

Kaminski is directed to systems and methods for managing a time-shift buffer (TSB) that is used for buffering video presentations. As shown in FIGs 14, 15B and described on page 10, paragraph [0094], a sorted list is presented to the user, where the sorted list (shown in the Sorted Buffered Programs List (SBPL) screen 1510 of FIG 15B) is sorted based on buffered length or play time 1413.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claim 18,

amongst other patentable elements recites (illustrative emphasis provided):

determining an ordered content item list by ordering the plurality of content items in response to the content item duration indication of each content item, wherein the content item duration indication comprises an indication of a remaining duration of each content item relative to a total duration of each content item, and wherein the ordered content item list is ordered in accordance with the remaining duration; and presenting the ordered content item list as the selection list to a user.

Presenting an ordered content item list which is ordered in accordance with the remaining duration of each content item relative to a total duration of each content item is nowhere taught or suggested in Broadus, Lemmons, Kaminski, and combination thereof. Rather, Broadus merely discloses to sort by time, while Lemmons discloses sorting by start or telecast time, and Kaminski discloses sorting by play time.

At best, the combination of Broadus, Lemmons and Kaminski discloses presenting the remaining time to the user, such as item 509 in FIG 5 of Broadus. However, Broadus, Lemmons, Kaminski, and combinations thereof, do not disclose or suggest presenting an ordered list which is ordered in accordance with the remaining


duration, as recited in independent claims 1 and 18.

Accordingly, it is respectfully submitted that independent claims 1 and 18 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-3, 5-17 and 19 should also be allowed at least based on their dependence from independent claims 1 and 18.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
February 23, 2009

Enclosure: Petition to Revive

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101